

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

AMBIANCE GR,

Plaintiff,

v

Civil Action No. 1:23-cv-1335

Hon. Jane M. Beckering

CITY OF GRAND RAPIDS,

Defendant.

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**MOTION AND BRIEF FOR EXTENSION OF TIME TO FILE A RESPONSIVE
PLEADING PURSUANT TO RULE 6(b) OF THE FEDERAL RULES OF CIVIL
PROCEDURE**

Counsel, Law Offices of Tyrone Bynum PLLC, for Plaintiff, Ambiance GR, contacted counsel for the Defendant, Elizabeth Fossel, via email on May 30, 2024, prior to the filing of the instant motion on June 10, 2024, asking if Defendant would concur with the Plaintiff's request to extend the time Plaintiff has to respond to Defendant's May 9, 2024 Motion to strike the exhibits attached to plaintiff's First Amended Complaint and that they not be considered as part of the Second Amended Complaint for purposes of Defendant's Motion to Dismiss. Attorney Fossel indicated that she would oppose the motion.

**MOTION/BRIEF FOR EXTENSION OF TIME TO FILE A RESPONSIVE PLEADING
PURSUANT TO RULE 6(b) OF THE FEDERAL RULES OF CIVIL PROCEDURE**

NOW Comes the Plaintiff, Ambiance GR, thru its legal counsel, Law Offices of Tyrone Bynum PLLC, and for Ambiance GR's Motion for Extension of Time to File a Responsive Pleading to Defendant's Motion for Preliminary or Permanent Injunction (Doc 33 and 34) Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, say:

1. That the Defendant, City of Grand Rapids, has filed a Motion Attacking Plaintiff's Response to Defendant's Motion (Doc 36 on May 09, 2024). Case 1:23-cv-1335 (Plaintiff's Response Document 32 April 22, 2024).

2. On May 9, 2024 Defendant filed a motion to strike Doc 33 and 34) Plaintiff's exhibits.

3. Plaintiff's legal counsel failed to respond in a timely manner as a result of the death of an unrelated client, to this case, of Law Offices of Tyrone Bynum PLLC on or around May 19, 2024.

4. Plaintiff Counsel was notified of the death on May 19, 2024 at 4:50 PM.

5. 6(b) EXTENDING TIME.

(1) *In General*. When an act may or must be done within a specified time, the court may, for good cause, extend the time:

(B) on motion made after the time has expired if the party failed to act because of excusable neglect.

6. LCivR 7.1(c) Modification of limits - In its discretion, the court may in a particular case shorten or enlarge any time, word count, or page limit established by these rules, with or without prior notice or motion.

7. Plaintiff's Counsel's client was a longtime friend and client.

8. Plaintiff Counsel paused everything in order to offer assistance to the immediate family of the deceased client.

9. Plaintiff Counsel reached out to Defendant's Counsel on May 30, 2024. Defendant's Counsel refused request for more time from Plaintiff's Counsel.

10. Plaintiff's Counsel is requesting the Court allow 2 weeks from today (June 24, 2024) to allow Plaintiff's responses to Defendant's motion and responses.

11. The name of the deceased client can be disclosed to the Court per the Court's request, if necessary as well proof of attorney of record at the time of death of the deceased client.

Respectfully submitted,

Dated: June 10, 2024

By: /s/ Tyrone Bynum
Tyrone Bynum (P82427)
Attorney For Plaintiff